

**GOVERNMENT OF TELANGANA
ABSTRACT**

RAIN SHADOW AREAS DEVELOPMENT DEPARTMENT - Cloud Seeding Operations in the then erstwhile Composite State of Andhra Pradesh during the year 2007, 2008 and 2009 – Payment of pending bills with interest @ 9% and WP costs of Rs.34,74,66,393/- and payment of costs of Rs.10,000/- in Contempt Case No.823/2020 to M/s. Agni Aviation Consultants, Bangalore as per the orders of the Hon'ble Division Bench of High Court for the State of Telangana dated 02-06-2021 in WP No.1135/2016 order dated 21.04.2020 - Administrative sanction - Orders – Issued.

RAIN SHADOW AREAS DEVELOPMENT DEPARTMENT

G.O.Rt.No.12

Dated:30-6-2021
Read the following:-

1. G.O. Ms.No.11, RSAD (RS.II) Department, Dated 4.9.2006
- 2.G.O.Ms.No.8, RSAD(RS.II) Department, Dated 30-6-2007
- 3.G.O.Ms.No.10, RSAD(RS.II) Department, Dated 21-7-2008.
- 4.G.O.Ms.No.6, RSAD(RS.II) Department, Dated 17-7-2009.
- 5.Hon'ble High Court of Telangana orders dated 21-4-2020 in WP No.1135/2016.
- 6.Hon'ble SCI orders dated 25-1-2021 in SLP (C) No. 11589/2020 The State of Telangana Vs. M/s. Agni Aviation Consultants &Ors.
7. Hon'ble High Court orders dated 02-6-2021 in C.C. No. 823/2020 in WP No.1135/2016.
8. BRO No. 438, Finance (EBS.II) Department, Dated:24-3-2021.
9. Advocate General, High Court, Hyderabad letter 517/2021, Dt.11-6-2021.

ORDER:

The Cloud Seeding Operations were initiated in the erstwhile State of Andhra Pradesh from 2004 onwards in an attempt to enhance precipitation in the Rain Shadow Areas in the State. In the reference 1st read above the cloud seeding operations were carried through the Centre for Atmosphere Sciences and Weather Modification Technology, (CASWMT) JNTU, Hyderabad. In the G.Os.2nd to 4th read above, Government awarded contracts to M/s. Agni Aviation Consultants, Bangalore, for cloud seeding operations in the draught prone areas during the years 2007, 2008 and 2009 respectively. Accordingly, agreements were signed between M/s. Agni Aviation Consultants, Bangalore and Centre for Atmosphere Sciences & Weather Modification Technology, (CASWMT) JNTU, Hyderabad on 4-7-2007, 25-7-2008 and 20-7-2009 for cloud seeding operations with 120 days duration.

2. The following amounts totaling Rs.40,28,47,380/- were due to M/s. Agni Aviation Consultants, Bangalore (Partnership firm) after deducting the advance payments, penalties and forfeiture of EMD etc. during the years, 2007, 2008, 2009, as follows:-

01. 2007-08 Cloud Seeding operations	Rs. 69,13,956/-
02. 2008-09 Cloud Seeding Operations	Rs. 20,64,38,907/-
03. 2009-10 Cloud Seeding Operations	Rs. 18,94,94,517/-

3. M/s. Agni Aviation Consultants, Bangalore have filed W.P. No. 1135/2016 for payment of pending dues for cloud seeding operations during the year 2007, 2008 and 2009. In the reference 5th read above, the Hon'ble High Court for the State of Telangana, Hyderabad in its orders dated 21-4-2020 has directed the Government of Telangana (Respondent.No.1) and Government of Andhra Pradesh (Respondent No.2) to pay the arrears of dues under the Cloud Seeding contracts dated 04.7.2007, dated 25.7.2008 and dated 20.7.2009 in three (3) months, amounting to Rs.40,28,47,380/- with interest thereon from the respective due dates of payment till the date of actual payment at the rate of 9% per annum; and both the liability towards costs (Rs.25,000/-) and the arrears apportioned between the respondent No.1 and 2 in the ratio 41.68 : 58.32 respectively.

4. Government of Telangana have filed Special Leave Petition in the Hon'ble Supreme Court of India, New Delhi against the above orders. In the reference 6th read above the Hon'ble Supreme Court of India in its orders dated 25-1-2021 in SLP (C) No. 11589/2020 upon hearing the Counsel dismissed the Special Leave Petition.

5. M/s. Agni Aviation Consultants, Bangalore have filed Contempt Case No.823/2020. In the reference 7th read above the Hon'ble High Court of Telangana in its order dated 2-6-2021 partly allowed the Contempt Case with costs of Rs.10,000/- to be paid to the petitioner and granted time till 30.6.2021 to make payment to the petitioner under the order dated 21-4-2020 in WP No. 1135/2016 and in default, the 1st respondent shall suffer simple imprisonment for one (1) month and shall also pay fine Rs.2000/-.

P.T.O.

6. In the reference 8th read above, Budget Release Orders were issued by the Finance (EBS.II) Department for an amount of Rs. 34,82,00,000/- to Rain Shadow Areas Development Department scheme from the BE Provision 2020-21 towards payment for entrustment of cloud seeding operations to M/s. Agni Aviation Consultants, Bangalore for implementing the orders of the Hon'ble Division Bench of High Court duly providing of additional funds in relaxation of treasury control orders and quarterly regulation orders under the Head of Account "3451-00-090-25-26-310-312".

7. In the reference 9th read above, the Advocate General, High Court, Hyderabad has addressed a letter to the Government and advised to immediately comply with the orders passed by the Hon'ble Division Bench in CC No. 823/2020 dated 02.06.2021 in order to avoid imprisonment of contemnor and payment of costs awarded by the Hon'ble High Court.

8. In pursuance of the BRO issued, Government hereby accord administrative sanction for payment of pending dues for an amount of Rs. 34,74,66,393/- (Rupees Thirty Four Crores Seventy Four Lakhs Sixty Six Thousand Three Hundred and Ninety Three only) (for cloud seeding operations dues for 2007, 2008 and 2009 towards Government of Telangana share @41.68% x 40,28,47,380/- = Rs. 16,79,06,788/- + Interest @ 9% Rs. 17,95,49,185/- + W.P. Costs @ Rs.25,000 x 41.68% share=Rs.10,420/-) to M/s. Agni Aviation Consultants, Bangalore in relaxation of treasury control orders and quarterly regulation orders. An amount of Rs. 1,77,20,255/- (Rupees One Crore Seventy Seven Lakhs Twenty Thousand Two Hundred and Fifty Five Only) @ 5.1% (i.e., Rs. 16,79,06,788/- + 17,95,49,185/- = Rs. 34,74,55,973 x 5.1%) shall be deducted towards TDS from the sanctioned amount. Government also accorded administrative sanction for payment of Rs.10,000/- towards the costs of CC No.823/2020 to M/s. Agni Aviation Consultants, Bangalore as ordered by the Hon'ble Division Bench of High Court in the reference 7th read above.

9. The amount sanctioned in Para- 8 above shall be debited to the Head of Account "3451 Secretariat Economic Services – 00-090 Secretariat -25-26 Rain Shadow Areas Development -310 Grants-in-Aid -312 Other Grants-in-Aid".

10. The Assistant Secretary and Drawing and Disbursing Officer, RSAD Department is requested to draw the amount sanctioned in para-8 above, and credit into current account of M/s. Agni Aviation Consultants, Bangalore, in A/c. No. 52117478865, SBI, Gunfoundry, Abids, IFSC Code: SBIN0020066 duly remitting the TDS to the Income Tax Authorities.

11. This order issues with the concurrence of Finance (EBS.II) Department vide their U.O. No.968550/34/A1/EBS.II/2021, Dated: 25-3-2021.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**D.V. RAO
JOINT SECRETARY TO GOVERNMENT**

To
M/s. Agni Aviation Consultants, Hanger No.2,
Jakkur Aerodrome, Bellary Road, Bangalore- 560064 (India)
The Asst.Secretary to Government & DDO, RSAD Department (3 copies)
The Accountant General, Telangana, Hyderabad
The Director, Treasuries & Accounts, Hyderabad.
The Dy.PAO, Secretariat Branch, Hyderabad.
The District Treasury Officer, Hyderabad.
Copy to :-
The Advocate General, High Court, Hyderabad with a request
to apprise to the Hon'ble Division Bench, Hon'ble High Court, Telangana.
The Dy.Registrar, High Court of Telangana, Hyderabad.
The Finance (EBS.II) Department.
The Vice- Chancellor, JNTU, Hyderabad.
The P.S. to Prl. Secy to Hon'ble CM.
The P.S. to Chief Secretary to Government.
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER